

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
PALANK SECTION 26A REQUEST FOR EXCAVATION AND FILL
AND MINOR FILL ON FLOWAGE EASEMENT - NOTTELY RESERVOIR

Proposed Action and Need

Tennessee Valley Authority (TVA) received a Section 26a permit request from Ms. Angelica Palank to excavate approximately 533 cubic yards of fill material in order to relocate the material within the 100-year floodplain on Nottely Reservoir. The purpose of this request is to extend the area above the 1,777-foot contour elevation (full summer pool) lakeward, resulting in extending Ms. Palank's yard approximately 25 feet into the reservoir. Additionally, a minor amount of fill of approximately 23 cubic yards would be required as a result of removing an existing crosstie wall which is between the 1,785- and 1,777-foot contour elevations. This minor fill would be required since the area to be excavated would not provide sufficient material to fill this site.

Alternatives

Initially, the applicant proposed to excavate approximately 2,200 cubic yards of fill material to create more area above the 1,777-foot contour, potentially affecting 63,000 square feet (1.44 acres) of lake bottom and 2.47 acres of wetlands. Discussions to mitigate the wetlands' impacts led the applicant to revise the request as stated in the proposed decision to reduce the potential impacts to wetlands to 0.17 acre. Under the No Action Alternative, the applicant would not excavate and fill as requested, resulting in no extension of her yard.

Impacts Assessment

The project would have no potential impacts to the floodplain because it complies with Presidential Executive Order 11988 and the TVA Flood Control Storage Loss Guideline. TVA has determined no effect to historic properties or endangered and threatened species. Impacts to surface water and the aquatic environment would be insignificant with the implementation of Best Management Practices (BMPs). The proposed action would affect 0.17 acre of wetlands classified as Palustrine-Emergent-Persistent, artificially flooded. Negotiations with the applicant have resulted in relocating all of the proposed fill material cut area out of the identified wetland area, reducing the impacted wetland area to less than 7 percent of the initial proposal.

Mitigation

TVA's General and Standard Conditions include BMPs for erosion and sediment control (General Condition 9 and Standard Conditions 3a, 6a, 6d, and 6i) would apply to the Section 26a permit for this project. No significant adverse effects are expected to occur from the project provided these measures are implemented during construction. These conditions will also be listed as part of the Section 26a permit.

Identified mitigation for this proposal is the reduction of the size of wetlands that would be affected by the original proposal. By relocating all of the proposed excavation out of the identified wetland area, the impacted area was reduced to less than 7 percent of the initial proposal. To ensure this is achieved the applicant will notify the watershed team

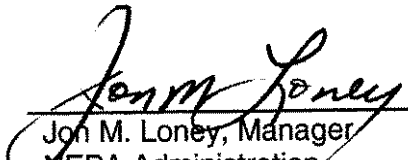
when construction is completed, so that the site can be inspected to ensure the applicant adhered to the permitted actions.

Public and Intergovernmental Review

A letter was sent to the U.S. Army Corps of Engineers, Savannah District on December 16, 2002. Additionally, a copy of TVA's wetland review was sent on January 10, 2003. The draft EA was distributed to the Georgia State Clearinghouse, State Historic Preservation Office, and the U.S. Fish and Wildlife Service for intergovernmental review on June 17, 2003. Additionally, TVA issued a public notice on October 7, 2003, to announce the availability of the draft EA and to request comments on the proposal by November 7, 2003. No comments were received opposing to the action or TVA's determination (see Attachment 2).

Conclusion and Findings

TVA has determined there would be no effect to historic properties or to threatened and endangered species. The revised scope minimizes the impacts to the wetlands, thus ensuring consistency with Presidential Executive Order 11990 (Protection of Wetlands), which states, "to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands." We also conclude that the proposed action would not be a major Federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required.


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Date Signed